

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CAROLYN BECKER,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
	:	
v.	:	
	:	
MICHAEL J. ASTRUE,	:	
COMMISSIONER OF SOCIAL SECURITY,	:	NO. 08-1873
Defendant	:	

ORDER

AND NOW, this 17th day of July, 2009, upon consideration of the Plaintiff's Request for Review, and Defendant's Response to Request for Review, and Plaintiff's Reply thereto, and after careful review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa (Docket No. 13), as well as the Objections and Response thereto, it is ORDERED that:


1. The Report and Recommendation is APPROVED AND ADOPTED IN PART AND REJECTED IN PART;¹
2. Plaintiff's Request for Review is DENIED; and
3. The matter is REFERRED to Magistrate Judge Linda K. Caracappa for further

¹ The Court rejects the Report and Recommendation only with respect to the Magistrate Judge's consideration of the assessments and conclusions of Plaintiff's longtime treating orthopedic surgeon, Randal Smith, M.D, regarding Plaintiff's functional limitations. Specifically, the Court concludes that the Magistrate Judge may not have adequately reviewed and analyzed the record with respect to Dr. Smith's assessments and conclusions; considered the totality of the evidence with respect to Dr. Smith's assessments and conclusions; or given Dr. Smith's assessments and conclusions proper weight in light of all the evidence presented.

The Court approves and adopts the Magistrate Judge's Report and Recommendation in all other respects.

review to consider the assessments and conclusions of Plaintiff's longtime treating orthopedic surgeon, Randal Smith, M.D, regarding Plaintiff's functional limitations.

BY THE COURT:



GENE E. K. PRATTER
UNITED STATES DISTRICT JUDGE